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Attorneys for Defendant
San Jose Police Officers' Association ("SJPOA")

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CITY OF SAN JOSE,

Plaintiff,

v.

SAN JOSE POLICE OFFICERS'
ASSOCIATION; SAN JOSE
FIREFIGHTERS; I.A.F.F., LOCAL
230; MUNICIPAL EMPLOYEES'
FEDERATION, AFSCME,
LOCAL 101; CITY
ASSOCIATION OF
MANAGEMENT PERSONNEL,
IFPTE, LOCAL 21, THE
INTERNATIONAL UNION OF
OPERATING ENGINEERS,
LOCAL NO. 3; and DOES 1-10,

Defendants.

No. C12-02904 LHK PSG

**DECLARATION OF AMBER L. WEST IN
SUPPORT OF DEFENDANT SAN JOSE
POLICE OFFICERS' ASSOCIATION'S
MOTION FOR ATTORNEY FEES**

Date: September 12, 2013

Time: 1:30 p.m.

Place: Dept. 8

Judge: Hon. Lucy H. Koh

1 I, Amber L. West, declare under penalty of perjury as follows:

2 1. I am an attorney at law licensed to practice before all the courts of the
3 State of California. I am a partner in the firm of Carroll, Burdick & McDonough
4 LLP ("CBM") attorneys of record for Defendant San Jose Police Officers'
5 Association ("SJPOA"). By virtue of that representation, I have personal
6 knowledge of the facts set forth herein and if called as a witness I could and would
7 testify competently as to them. I make this declaration in support of SJPOA's
8 Motion for Attorney Fees.

9 2. I obtained my juris doctor degree from the University of California,
10 Hastings College of Law in 2006. I have been a member of the State Bar of
11 California since 2006.

12 3. I joined CBM as an associate in 2012. Previously, I worked as a staff
13 attorney for the U.S. Court of Appeals for the Ninth Circuit for nearly four years.
14 Prior to that I clerked for the U.S. Department of Labor Office of Administrative
15 Law Judges for two years.

16 4. I currently practice as a member of the firm's public sector labor law
17 group, representing peace officers, firefighters, other public employees and their
18 various unions. In that capacity I have been involved in litigation, contract
19 negotiations, grievance and disciplinary proceedings, labor arbitrations and unfair
20 labor practice disputes. In addition to public sector labor law, CBM also provides
21 legal services in the areas of corporate law, employment law, product liability,
22 complex insurance defense, commercial litigation, and class action defense.

23 5. In June 2012, I learned that Plaintiff City of San Jose ("City") filed a
24 complaint against the unions representing its employees—including SJPOA—in
25 federal court the day before Measure B was passed by the voters of San Jose. The
26 City sought declaratory relief that Measure B was not unconstitutional under state
27 and federal law. Measure B is the subject of ongoing litigation between the parties
28 in Santa Clara Superior Court.

1 6. From reviewing the Complaint, and subsequently the First Amended
2 Complaint, and my discussions with Gregg Adam and Gonzalo Martinez, I could
3 see that a motion to dismiss for lack of subject matter jurisdiction was an
4 appropriate response. Specifically, the City sought an advisory opinion on the
5 legality of Measure B, it filed prematurely and pled an unripe action, and further it
6 failed to meet Article III standing requirements. Alternatively, the City's complaint
7 was subject to a motion to stay proceedings based on three different federal
8 abstention principles due to the state court litigation. Mr. Adam and I assisted in
9 preparation of that motion.

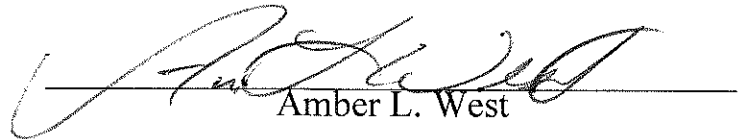
10 7. I researched and drafted portions of the motion to dismiss or stay
11 proceedings. I also coordinated filing a consolidated reply with other defendants.
12 In addition, I took responsibility for other aspects of the case, *e.g.*, case
13 management, conferring as needed with counsel for coplaintiffs, court appearances,
14 and conferring with the City regarding a variety of subjects, including case
15 management, stipulations, and motion proceedings in state and federal court.

16 8. On or about November 6, 2012, Mr. Adam asked me to follow up with the
17 City and to negotiate a stipulation with the City bifurcating the fees motion so that
18 the Court could decide SJPOA's entitlement to fees and then subsequently decide
19 the amount. The stipulation was negotiated in November and December 2012.
20 This involved a series of discussions and emails with counsel for the City, Linda
21 Ross, as well as a period of waiting for a response from Ms. Ross, including but not
22 limited to a week, while Ms. Ross waited for the City to approve the language. The
23 stipulation was filed on December 17, 2012. Dkt. 91. The Court denied the
24 stipulation on December 28, 2012, and ordered that the amount of fees be briefed
25 along with SJPOA's entitlement thereto. Dkt. 92.

26 9. I have reviewed Exhibit A to the Declaration of Gonzalo C. Martinez with
27 respect to those charges that represent my activities in the case, I believe those are
28 true and correct representations of the activities and the dates that I performed

1 them. My practice is to prepare written entries of my time, either
2 contemporaneously with the performance of those duties or soon thereafter.

3 I declare under penalty of perjury under the laws of the State of California that
4 the foregoing is true and correct and that this declaration is executed on this 11th
5 day of March, 2013, in San Francisco, California.

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8 Amber L. West
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